

FT-09-01- Effective October 1, 2009

FRO Amendments: State Bill 666, titled “No Net Loss of Forestry Policy-Forest Conservation Act”, which was passed during the 2009 Legislative Session and designated as Chapter 298, will become effective on October 1, 2009. The bill requires the following changes to the State Forest Conservation Act (FCA):

- Requires the Department of Natural Resources (DNR) to determine the meaning of no net loss of forest for State policy use and to develop proposals for the creation of a policy of no net loss of forest.
- By December 1, 2011, DNR shall report on the development of statutory, budgetary, and regulatory policies to achieve no net loss of forest in the state.

**The Bill requires the following changes to both the FCA and all local forest conservation regulations:**

- Lowers the exemption threshold for activity conducted on a single lot of record or linear project from 40,000 square feet to 20,000 square feet.
- Amends the intrafamily exemption applicability to owner or child (eliminating grandchild) and lowers the threshold of activity from 40,000 square feet to 20,000 square feet.
- Removes exemption for areas “previously developed and covered by paved surface”.
- Separates the current priority retention areas into two separate categories with different levels of protection.
- Modifies the acceptable uses for fee-in-lieu to include maintenance of existing forest areas, and for achieving state and local government urban canopy goals.
- \*Amends the language that allows for the acquisition of off-site protective easements provided that the forest is “not currently protected in perpetuity.”
- \*Increases the state minimum fee-in-lieu payment to \$0.30 per square foot and includes an annual inflation rate adjustment.

\* Denotes new state law requirements already met by the current County FRO.

The proposed changes to the Frederick County FRO are in accordance with Chapter 298 however; additional language has been added to clarify the new permitted uses of fee-in-lieu and to provide transitional provisions.